

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

February 9, 2009

C053982 THE PEOPLE v. (Certified For Publication)
RICHARD WILLIAM HAMLIN

The no-contact order is stricken, and the case is remanded to the trial court for resentencing consistent with this opinion. With these exceptions, defendant's convictions are affirmed.

ROBIE, J.

We Concur: Sims, Acting P.J.

Morrison, J.*

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

C058337 THE PEOPLE v. (Certified For Publication)
STEPHON CORTNEY WATKINS

The judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.

Robie, J.

C057347 THE PEOPLE v. (Not For Publication)
ANDREW JUSTIN MELTON

The judgment is modified to correct the sentence by adding an additional day of presentence custody credit, for a total of 333 days. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment showing the correct number of days of presentence custody credits and to forward a certified copy thereof to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Blease, Acting P.J.

Hull, J.

C058050 THE PEOPLE v. (Not For Publication)
MARK ANTHONY VERCELES

The judgment is affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.

Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

February 9, 2009, Continued

- C058616 THE PEOPLE v. (Not For Publication)**
ANTHONY MARTELIS PARTEE
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Nicholson, J.
Morrison, J.*
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.
- C058759 THE PEOPLE v. (Not For Publication)**
JAMES RICHARD FEATHERSTONE
The appeal is dismissed as moot.
RAYE, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C058785 THE PEOPLE v. (Not For Publication)**
ANDREW JACKSON ARMSTEAD
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Nicholson, J.
- C056595 THE PEOPLE v. (Not For Publication)**
MICHAEL ANTONIO PLACENCIA
The judgment is reversed and the case remanded for further proceedings
on defendant's *Batson/Wheeler* motion as directed in this opinion. If the court
finds that, due to the passage of time or any other reason, it cannot adequately
address the issues at this stage or make a reliable determination, or if it
determines that the prosecutor exercised her peremptory challenges improperly,
it should set the case for a new trial. If it finds the prosecutor exercised her
peremptory challenges in a permissible fashion, it should reinstate the judgment.
DAVIS, J.
We Concur: Blease, Acting P.J.
Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

February 9, 2009, Continued

C058372 THE PEOPLE v. (Not For Publication)
BRIAN GEORGE BIEHL
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Nicholson, J.
Morrison, J.*
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.

C058493 THE PEOPLE v. (Not For Publication)
SHAWN CURTIS EDDY
The trial court judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Robie, J.

C058831 THE PEOPLE v. (Not For Publication)
NATHAN JOSEPH NICKALOFF
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Butz, J.

February 10, 2009

C055331 THE PEOPLE v. (Not For Publication)
LANDON BYRON JACKSON
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.

C056093 THE PEOPLE v. (Not For Publication)
BRADLEY ERIC PRICE
The judgment is affirmed.
MORRISON, J.*
We Concur: Scotland, P.J.
Davis, J.
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

February 10, 2009, Continued

- C056828 THE PEOPLE v. (Certified For Publication)**
PARIS LAMONT JACKSON
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C057905 THE PEOPLE v. (Not For Publication)**
JEREMY DAVID NORIEGA
The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that the "time imposed" for the felony assault conviction is "8" years (not "4" years), and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Sims, J.
Nicholson, J.
- C059022 THE PEOPLE v. (Not For Publication)**
FRANK ANTHONY MEDINA, JR.
The judgment is affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.
- C059746 THE PEOPLE v. (Not For Publication)**
PATRICK KELLY TREVINO
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Nicholson, J.
- C055934 TORRES et al. v. LIANG (Not For Publication)**
The judgment is affirmed. Tommy and Terresa Torres shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1).)
ROBIE, J.
We Concur: Blease, Acting P.J.
Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

February 10, 2009, Continued

C059277 In re E.G.; SACRAMENTO COUNTY (Certified For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. JULIE G.

The orders of the juvenile court are affirmed.

SCOTLAND, P.J.

We Concur: Sims, J.

Nicholson, J.

C059513 In re H.S. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. HARVEY S. et al.

The juvenile court's orders are affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.

Sims, J.

C057249 In re TIMOTHY ELLIS ROSS on (Certified For Publication)
Habeas Corpus

The petition for writ of habeas corpus is granted, and the matter is remanded to the Governor with directions to vacate his decision of October 10, 2006, which reversed the Board's finding in 2006 that defendant was suitable for parole, and to reconsider the matter consistent with the standards articulated in *Lawrence, supra*, 44 Cal. 4th 1181.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Robie, J.

C054140 THE PEOPLE v. LENG VANG et al.
BY THE COURT:

Respondent's petition for rehearing is denied.

NICHOLSON, Acting P.J.

C054268 THE PEOPLE v. XUE THAO
BY THE COURT:

Respondent's petition for rehearing is denied.

NICHOLSON, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

February 11, 2009

- C055680 THE PEOPLE v. (Not For Publication)**
SALVATORE CARMELO MAGGIO
The judgment is affirmed.
BLEASE, J.
We Concur: Scotland, P.J.
Davis, J.
- C055688 THE PEOPLE v. (Not For Publication)**
DWAYNE RICHARDSON
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Davis, J.
Nicholson, J.
- C055916 THE PEOPLE v. (Not For Publication)**
TRUITT DOUGLAS MOORE
The judgment is modified by striking the stayed Penal Code section 667.5 enhancement. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected to show the striking of the enhancement and to delete the words "for sale" from the description of the count 1B offense, and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SIMS, Acting P.J.
We Concur: Davis, J.
Hull, J.
- C057350 THE PEOPLE v. (Not For Publication)**
DAVID LEE MORGAN
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C059463 THE PEOPLE v. (Not For Publication)**
RICHARD BRIAN JONES
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Davis, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

February 11, 2009, Continued

**C057595 TABAYOYON v. SUPERIOR COURT OF (Not For Publication)
YOLO COUNTY; THE PEOPLE**

The appeal is construed as a petition for a writ of mandate and, as such, granted. Let a peremptory writ of mandate issue, directing the trial court to vacate its order denying petitioner's motion to withdraw his plea to and dismiss count 4, and to make a different order consistent with this opinion.

BLEASE, J.

We Concur: Scotland, P.J.

Davis, J.

**C058030 In re DARIN PALERMO on (Not For Publication)
Habeas Corpus**

The petition for writ of habeas corpus is granted because the evidence presented at the 2006 parole hearing does not support the Board's finding that defendant is unsuitable for parole. ...

SCOTLAND, P.J.

I concur: Hull, J.

I dissent:

I respectfully dissent. ...

Nicholson, J.

February 12, 2009

There are no minutes for this date.

February 13, 2009

**C053662 THE PEOPLE v. (Not For Publication)
KENNETH ELBERT STEELE**

The judgment is affirmed.

MORRISON, J.*

We Concur: Sims, Acting P.J.

Davis, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

February 13, 2009, Continued

- C056192 THE PEOPLE v. (Not For Publication)**
JORGE LUIS CABRALES
The judgment is affirmed.
MORRISON, J.*
We Concur: Sims, Acting P.J.
Raye, J.
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.
- C056587 THE PEOPLE v. (Not For Publication)**
NAHEEM EUGENE LANGLEY
The judgment is affirmed.
MORRISON, J.*
We Concur: Davis, Acting P.J.
Robie, J.
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.
- C057716 THE PEOPLE v. (Not For Publication)**
THOMAS EDWARD KELLEY
Defendant's sentence in case No. 07F08108 is vacated and the matter is
remanded for the limited purposes of resentencing in accordance with this
opinion and the procedures set forth in *People v. Zackery, supra*, 147 Cal.App.4th
380. After defendant is resentenced, the trial court is directed to prepare an
amended abstract of judgment and forward a certified copy of the same to the
Department of Corrections and Rehabilitation.
CANTIL-SAKAUYE, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C057738 THE PEOPLE v. LEONARDO RAFAEL (Not For Publication)**
The order granting a partial new trial is affirmed.
MORRISON, J.*
We Concur: Davis, Acting P.J.
Nicholson, J.
*Retired Associate Justice of the Court of Appeal. Third Appellate District,
assigned by the Chief Justice pursuant to article VI, section 6 of the California
Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

Court Minutes

February 13, 2009, Continued

- C058204 THE PEOPLE v. (Not For Publication)**
HEATHER NICOLE BOOZE
- The portion of the order granting probation that requires defendant to pay the costs of probation pursuant to Penal Code section 1203.1b is vacated. The matter is remanded to the trial court for the redetermination of probation-related costs. If the court determines that defendant should pay those costs, the court shall make a separate order to that effect rather than impose the costs as a condition of probation. (*O'Connell, supra*, 107 Cal.App.4th at p. 1068.) The order placing defendant on probation is otherwise affirmed.
- SIMS, J.
- We Concur: Scotland, P.J.
 Butz, J.
- C058389 THE PEOPLE v. (Not For Publication)**
DAVID LOUIS FULTON
- The matter is remanded to the trial court for clarification of the fees and fines imposed for driving on a suspended license, a misdemeanor, count II, and amendment/correction of the abstract to so reflect. A certified copy of the amended/corrected abstract of judgment is to be forwarded to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.
- SIMS, Acting P.J.
- We Concur: Davis, J.
 Hull, J.
- C058808 THE PEOPLE v. (Not For Publication)**
LARRY WAYNE BONNER
- The appeal is dismissed.
- SIMS, J.
- We Concur: Scotland, P.J.
 Butz, J.
- C059044 THE PEOPLE v. (Not For Publication)**
DARRELL LEE HAMPSMIRE
- The judgment is affirmed.
- BUTZ, J.
- We Concur: Scotland, P.J.
 Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

10

Court Minutes

February 13, 2009, Continued

**C054495 CITY OF STOCKTON v. (Certified For Publication)
MARINA TOWERS LLC, et al.**

The judgment is reversed. The case is remanded to the trial court to enter an order of conditional dismissal upon such terms and conditions as may be just, including an award of reasonable litigation expenses to Marina. (§§ 1260.120, 1235.140.) Marina is awarded its costs on appeal. (§ 1268.720; Cal. Rules of Court, rule 8.278 (a) (1).)

BUTZ, J.

We Concur: Raye, Acting P.J.
 Hull, J.

**C059006 In re SAMUEL S.; PLACER COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. WENDY S.**

The judgment is affirmed.

MORRISON, J.*

We Concur: Davis, Acting P.J.
 Nicholson, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.